

**MINUTES
TOWNSHIP COMMITTEE
REGULAR MEETING
SEPTEMBER 24, 2020**

Mayor Kelly called the Regular Meeting of the Township Committee of the Township of Chatham to order at 6:30 P.M.

Adequate Notice of this meeting of the Township Committee was given as required by the Open Public Meetings Act as follows: Notice was given to both *The Chatham Courier* and the *Morris County Daily Record* on June 12, 2020; notice was posted on the bulletin board in the main hallway of the Municipal Building on June 12, 2020; and notice was filed with the Township Clerk on June 12, 2020.

Pursuant to Executive Orders Nos. 102, 103, 104 and 107 and to ensure the safety of all, during a State of Emergency declared by New Jersey Governor, Phil Murphy, on March 9, 2020 to “contain the spread of COVID-19”, the Township of Chatham limited the public from physically attending the Township Committee meeting to be held on Thursday, September 24, 2020.

Roll Call

Answering present to the roll call were Committeewoman Ewald, Committeewoman Fondaco, Committeewoman Swartz, Deputy Mayor Ness and Mayor Kelly.

Committeewoman Ewald, Committeewoman Fondaco and Committeewoman Swartz participated in the meeting via Zoom.

Approval of Agenda

Committeewoman Fondaco moved to approve the Agenda. Deputy Mayor Ness seconded the motion, and the motion carried.

Executive Session

**RESOLUTION 2020-P-25
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS, STATE OF NEW JERSEY, AUTHORIZING CONFERENCE OF
THE TOWNSHIP COMMITTEE WITH THE PUBLIC EXCLUDED**

WHEREAS, N.J.S.A. 10:4-12 of the Open Public Meetings Act permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, the Township Committee of the Township of Chatham is of the opinion that such circumstances presently exist.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey, as follows:

1. The public shall be excluded from discussion of the specified subject matter.
2. The general nature of the subject matter to be discussed is as follows:
 - a. Litigation - In the Matter of the Township of Chatham for a Judgment of Compliance of its Third Round Housing Element and Fair Share Plan Docket No. MRS-L-1659-15
 - b. Collective Bargaining Negotiations: PBA
3. It is anticipated that the minutes on the subject matter of the Executive Session will be made public upon conclusion of the matter under discussion; and in any event, when appropriate pursuant to N.J.S.A. 10:4-7 and 4-13.
4. The Committee will come back into Regular Session and may take further action.
5. This Resolution shall take effect immediately.

Mayor Kelly announced that the Township Committee will return to Public Session at 7:30 PM. Attorney Cruz noted that the same Zoom Meeting information will be used for the 7:30 PM public session.

Committeewoman Fondaco moved to adopt Resolution 2020-P-25 to enter Executive Session at 6:31 P.M. Committeewoman Ewald seconded the motion.

Roll call: Committeewoman Ewald, Aye; Committeewoman Fondaco, Aye; Committeewoman Swartz, Aye; Deputy Mayor Ness, Aye; Mayor Kelly, Aye.

The Township Committee returned to Public Session at 7:31 PM.

Mayor Kelly discussed the protocols for participation in public comment sessions.

Moment of Silence

Mayor Kelly noted the recent passing of Supreme Court Justice Ruth Bader Ginsburg. A moment of silence was held in her honor.

Mayor Kelly led the Flag Salute.

Reports

Police Chief Report

Chief Miller reported on recent crime trends in the Township and traffic flow on River Road. Chief Miller said that there have been a rise in burglaries. There have also been 11 car thefts, and 9 of those vehicles have been recovered. Chief Miller noted that arrests have been made of three individuals suspected of car thefts in the Township. He also stated that patrols have increased, and he asked residents to make sure they lock their cars when unoccupied. Chief Miller also discussed the impact of traffic on River Road resulting from the closure of the Passaic Street Bridge. He said that aside from an increase in volume, traffic has continued to flow without issue. Truck traffic will be rerouted to ensure compliance with weight restrictions.

Committeewoman Swartz said that while it is good that the Police Department was able to make arrests pertaining to the recent car thefts in the Township, there is a continued need for vigilance due to the endless supply of potential criminals. Chief Miller agreed that there will still be a potential for attempted auto theft despite any arrests that may be made. Mayor Kelly asked what would help the Police Department make the Township a safer place. Chief Miller stated that thieves look for a quick way in and a quick way out. He said that car thieves often capitalize on cars that are left unlocked with the keys inside. Chief Miller also said that home burglaries are often from houses with unlocked doors.

Deputy Mayor Ness thanked Chief Miller for the work that the Police Department does to keep residents safe. She also commented on the danger presented by the possibility that thieves operating in the Township are armed. Deputy Mayor Ness stressed the need for residents to lock their doors and their cars to help keep the Township safe.

Committeewoman Swartz noted that the Township will not be participating in National Night Out this year due to COVID concerns, and said that the Township is still committed to the principles of the event.

Mayor Kelly opened the floor to the public to ask questions.

1. Al Limone, Hall Road, thanked the Police Department for the work they do. Mr. Limone asked if there is information available why there is a surge in auto thefts. He also asked what type of collaboration the Chatham Township Police Department is taking with other municipalities.

Chief Miller said that the primary motive for theft is money, and car thieves are making upwards of \$20,000 per stolen vehicle. Chief Miller also stated that the Chatham Township Police Department is collaborating with neighboring municipalities and several State and National auto-theft task forces to address the issue.

2. Dan Miller, Green Village Road, asked if Township Police Officers are working overtime, and if additional staff would help increase the number of patrols without overworking the current personnel. Mr. Miller also asked about news stories of recent parties involving underage drinking, and asked if there has been any investigation into holding parents responsible.

Chief Miller said that while additional staff would be ideal, the current number of officers is adequate. He also said that he is not aware of Township officers responding to illegal parties, and usually the Police Department learns of such parties by responding to noise complaints.

3. Christina Fichera, Runnymede Road, asked if Chief Miller could elaborate on a burglary that occurred between Runnymede Road and Hall Road.

Chief Miller said that the Hall Road incident involved theft of credit cards. He also said that generally thefts have been high-end vehicles.

Seeing no further questions, Mayor Kelly closed the public comment session.

Health Officer Report

Health Officer Mike Fitzpatrick gave a report about the ongoing COVID-19 pandemic. He stated that there are currently only 8 active cases. Mr. Fitzpatrick further noted that the transmission rate is very low at this time. He also commented on normal Health Department functions, such as retail food establishment inspections, that are continuing during the pandemic.

Committeewoman Ewald asked about the reopening of K-8 sports. Mr. Fitzpatrick commented on how outdoor sports were evaluated for reopening. He also commented on the standard for close contact. Committeewoman Ewald also asked about the effectiveness of contact tracing, and if the Health Department is getting the cooperation from residents that they need. Public Health Nurse Marlene Dolan said that people have been cooperative for the most part. However, there have been some instances when people have presented challenges. Mrs. Ewald asked if there is anything that has been confusing to residents. Mrs. Dolan said that until September 18th the NJ Department of Health guidelines were different from the CDC guidelines.

Deputy Mayor Ness asked about the difference between active cases and presumptive cases. Mr. Fitzpatrick said that the type of test performed is what differentiates an active case from a presumptive case. He also said that a recent report of 21 presumptive cases included both Chatham. Deputy Mayor Ness asked what the quarantine guidelines are if another household member tests positive for COVID-19. Mrs. Dolan stated that the previous guideline was to isolate the patient from the rest of the household for a 10-day period or until the symptoms are resolved. The guidelines have been updated to start the quarantine from the last contact with the person who tested positive.

Committeewoman Swartz asked if it is necessary for family members who test negative to still quarantine. Mr. Fitzpatrick said that quarantine is still necessary due to the viral incubation period, and the 14 day quarantine period is from the last point of contact with the individual who is ill. Committeewoman Swartz asked if there is a disparity in how long it takes to get test results. Mr. Fitzpatrick said results are typically coming back in 5-6 days. He also commented on rapid tests that give a result in about an hour, and sometimes urgent care facilities are not logging in the results to the system. Mrs. Dolan added that while the time for results can vary, things have improved. She also said that with rapid tests, sometimes patients receive results before the Health Department is aware that there was a positive test. Committeewoman Swartz asked about the annual flu shot, and if there is any shortage in the vaccine. Mrs. Dolan said that the Health Department will administer flu vaccines like normal, and usually clinics are held at the Mountainview Gym. Mr. Fitzpatrick said that the measures people are taking to avoid COVID-19 may also help reduce the level of flu cases this season.

Mayor Kelly opened the floor for the public to ask questions.
Seeing no public comment, the floor was closed.

Administrator Hoffmann thanked Mr. Fitzpatrick and Mrs. Dolan for all the assistance they have provided to the Township. Administrator Hoffmann also recognized Mr. Fitzpatrick and Mrs. Dolan's professionalism, and complimented their work on contact tracing.

Deputy Mayor Ness commented on the recent testing event in the Township, and asked about the high number of positive antibody tests. Mr. Fitzpatrick said that he is doing some research on the matter. He also said that the test may have also picked up on the presence of antibodies for other Coronaviruses due to the sensitivity of the test. It is also possible that some of the people who tested positive for antibodies had asymptomatic cases.

Mayor Kelly said that there is a similarity in the advice from Chief Miller and Mr. Fitzpatrick in their respective reports, that residents who fail to take proper precautions are jeopardizing their neighbors.

Township Committee Reports

Committeewoman Fondaco reported that the Chatham Township Historical Society welcomed the family of Madame Bey and the Turkish Consulate to the unveiling of a new monument at the gravesite of Madame Bey. Committeewoman Fondaco also reported that Madame Bey will be inducted into the NJ Boxing Hall of Fame.

Committeewoman Swartz reported that the Green Village Fire Department had a successful shred event. She also invited residents to visit the Chatham Senior Center website, which is being updated with upcoming events.

Deputy Mayor Ness reported that interviews have been conducted for a new Municipal Judge. She stated that Judge Troxell is retiring.

Mayor Kelly reported that Judge Gaus has ruled at the Fairness and Preliminary Compliance Hearing that Chatham Township's Affordable Housing Plan is fair and reasonable, and that it adequately protects the interests of low- and moderate-income people. The Township's temporary immunity from Builder's Remedy lawsuits was extended at least until the Final Compliance Hearing on December 14th. Mayor Kelly further reported that the Township received four RFPs for development of Affordable Housing, and they are under review before a developer can be selected. He also noted that the Township has been in discussions with the owners of 522 Southern Boulevard since early 2020. Mayor Kelly noted that the Township Committee will be tabling Ordinance 2020-16, and Ordinance 2020-17 is on the Agenda for introduction.

The Township Clerk addressed voting procedures for the General Election. He said that mail-in ballots have been mailed by the County, and Township residents have begun to receive their ballots. Mr. LaConte advised that residents should read the instructions for voting by mail carefully. He also shared a picture of the secure drop-box for ballot collection that is located in Madison. Mr. LaConte also noted that ballots can be mailed in to the County, or be hand delivered to the polling place on Election Day. He also stated that there is a video available online produced by the County Clerk's Office on how to complete a mail-in ballot, and there is also information pertaining to the General Election posted on the Chatham Township website.

Administrator Hoffmann reported on Resolution 2020-207, and explained that there was a decrease in the cost of the road paving project. He also reported on Resolutions 2020-210 and 2020-211 which are for audits of street lighting and fire hydrant costs. Administrator Hoffmann also reported on a request that had been received from Township resident Meghan Alperowitz for flashing lights on Shunpike Road, and said that members of the County Engineer's office have been investigating the matter.

The Township Clerk added to his report, noting that in-person voting will only be by provisional ballots. Voting on machines will only be for those who have a disability that prevents them from completing a mail-in ballot.

Mayoral Appointments

Mayor Kelly reported that there were seven applications for the two vacancies on the Township Planning Board. He announced that he is appointing Kathy Abbott as Alternate 1, and Michael Choi as Alternate 2. Mayor Kelly thanked those who have applied, and stated that they will be kept in consideration for future appointments.

Hearing of Citizens

Mayor Kelly reviewed the procedures for participation in the Hearing of Citizens.

Mayor Kelly opened the Hearing of Citizens.

1. Ed Barmakian, Editor of TAPintoChatham, asked if there is a way to track mail-in ballots. The Township Clerk indicated that there is a page on <https://elections.morriscountynj.gov/> that allows voters to track their ballot to ensure it was received by Morris County.

Committeewoman Swartz asked about ballots for inactive voters. The Township Clerk said that inactive voters are those who have not voted in over 6 years, and they can fill out an application for a Mail-In Ballot or vote by Provisional Ballot.

Seeing no further public comment at this time, Mayor Kelly closed the Hearing of Citizens.

Public Hearing/Final Adoption of Ordinances

Attorney Cruz recommended that Ordinance 2020-16 be tabled. He said that the ordinance adopts a Redevelopment Plan by reference, and the plan needed substantive revisions as introduced. Attorney Cruz stated that Ordinance 2020-17 will, if introduced, have the necessary revisions to the Redevelopment Plan. Attorney Cruz also noted two typographical edits that need to be made to the Redevelopment Plan prior to introduction.

Ordinance 2020-16

ORDINANCE 2020-16

AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, ADOPTING THE REDEVELOPMENT PLAN FOR 522 SOUTHERN BOULEVARD, BLOCK 128, LOT 2 ON THE TOWNSHIP TAX MAP

WHEREAS, the Township of Chatham has a constitutional obligation to provide for the realistic development of affordable housing; and

WHEREAS, the Township endorsed the 2020 Housing Element and Fair Share Plan on August 13, 2020 identifying 522 Southern Boulevard, Block 128, Lot 2 ("Property") as appropriate for a 100% municipally sponsored family rental affordable housing development; and

WHEREAS, the Township Committee wishes to prepare a "mini-master plan" for the Property and to provide bulk standards; namely, height, front, side and rear yard set-backs and design and parking criteria for the Property through the adoption of a Redevelopment Plan for the Property.

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey, that the attached Redevelopment Plan for the Property, dated August, 2020, prepared with assistance from Banisch Associates, Inc., be adopted.

Section 1. This Ordinance and Redevelopment Plan repeals, replaces and supersedes the existing or underlying zoning for the Property.

Section 2. The Redevelopment Plan for the Property is adopted as attached.

Section 3. The Township Clerk is directed to give notice at least ten (10) days prior to a hearing on the adoption of this Ordinance to the Morris County Planning Board and to all other persons or entities entitled to notice, including to the Clerk of adjoining municipalities, to the last owner of the property and all persons at their last known address, if any, whose names are noted on the assessment records as claimants of an interest in the Property. The Township Clerk shall execute Affidavits of Proof of Service of the notices required by this Section 3, and shall keep the Affidavits on file along with the Proof of Publication of the notice of the required public hearing on the proposed change.

Section 4. After introduction, the Township Clerk is hereby directed to submit a copy of the within Ordinance to the Planning Board of the Township of Chatham for its review in accordance with N.J.S.A. 40A:12A-7e. The Planning Board is directed pursuant to N.J.S.A. 40A:12A-7d to transmit to the Township Committee, within forty-five (45) days after referral, a report finding that the Redevelopment Plan shall be substantially consistent with the Township Master Plan or designed to effectuate the Master Plan or that the Redevelopment Plan is substantially inconsistent with the Township Master Plan or not designed to effectuate the Master Plan.

Section 5. If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

Section 6. All ordinances or parts of ordinances inconsistent with or in conflict with this Ordinance are hereby repealed to the extent of such inconsistency.

Section 7. This Ordinance shall take effect immediately upon: (i) adoption; (ii) publication in accordance with the laws of the State of New Jersey; and (iii) filing of the final form of adopted

Ordinance by the Township Clerk with the Morris County Planning Board pursuant to N.J.S.A. 40:55D-16.

Committeewoman Ewald moved to table Ordinance 2020-16. Deputy Mayor Ness seconded the motion.

Roll call: Committeewoman Ewald, Aye; Committeewoman Fondaco, Aye; Committeewoman Swartz, Aye; Deputy Mayor Ness, Aye; Mayor Kelly, Aye.

Introduction of Ordinances

ORDINANCE 2020-17

AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, ADOPTING THE REDEVELOPMENT PLAN FOR 522 SOUTHERN BOULEVARD, BLOCK 128, LOT 2 ON THE TOWNSHIP TAX MAP

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WHEREAS, the Township endorsed the 2020 Housing Element and Fair Share Plan on August 13, 2020 identifying 522 Southern Boulevard, Block 128, Lot 2 (“Property”) as appropriate for a 100% municipally sponsored family rental affordable housing development; and

WHEREAS, the Township Committee wishes to prepare a “mini-master plan” for the Property and to provide bulk standards; namely, height, front, side and rear yard set-backs and design and parking criteria for the Property through the adoption of a Redevelopment Plan for the Property.

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey, that the attached Redevelopment Plan for the Property, dated August, 2020, prepared with assistance from Banisch Associates, Inc., be adopted.

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Section 2. The Redevelopment Plan for the Property is adopted as attached.

Section 3. The Township Clerk is directed to give notice at least ten (10) days prior to a hearing on the adoption of this Ordinance to the Morris County Planning Board and to all other persons or entities entitled to notice, including to the Clerk of adjoining municipalities, to the last owner of the property and all persons at their last known address, if any, whose names are noted on the assessment records as claimants of an interest in the Property. The Township Clerk shall execute Affidavits of Proof of Service of the notices required by this Section 3, and shall keep the Affidavits on file along with the Proof of Publication of the notice of the required public hearing on the proposed change.

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Section 5. If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

Section 6. All ordinances or parts of ordinances inconsistent with or in conflict with this Ordinance are hereby repealed to the extent of such inconsistency.

Section 7. This Ordinance shall take effect immediately upon: (i) adoption; (ii) publication in accordance with the laws of the State of New Jersey; and (iii) filing of the final form of adopted Ordinance by the Township Clerk with the Morris County Planning Board pursuant to N.J.S.A. 40:55D-16.

Committeewoman Fondaco moved to introduce Ordinance 2020-17. Deputy Mayor Ness seconded the motion.

Roll call: Committeewoman Ewald, Aye; Committeewoman Fondaco, Aye; Committeewoman Swartz, Aye; Deputy Mayor Ness, Aye; Mayor Kelly, Aye.

Public Hearing on Ordinance 2020-17 will be scheduled for October 8, 2020.

Consent Agenda

RESOLUTION 2020-204

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, ACKNOWLEDGING RECEIPT OF REPORTS

BE IT RESOLVED by the Township Committee of the Township of Chatham that the following monthly reports of departments be acknowledged as received:

CFO – August
Construction Official – August
Police Department – August

RESOLUTION 2020-205
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM
APPROVING MINUTES OF MEETINGS

BE IT RESOLVED that the Township Committee of the Township of Chatham acknowledges receipt of and approves the minutes of the Township Committee meetings held on September 9, 2020 and September 10, 2020.

RESOLUTION 2020-206
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP
OF CHATHAM APPROVING EXECUTIVE SESSION MINUTES OF MEETINGS

BE IT RESOLVED that the Township Committee of the Township of Chatham acknowledges receipt of and approves Executive Session minutes of the Township Committee meetings held on September 9, 2020 and September 10, 2020.

RESOLUTION 2020-207
RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF CHATHAM
AUTHORIZING A CHANGE ORDER TO THE CONTRACT WITH SCHIFANO
CONSTRUCTION CORP. FOR THE RIVER ROAD RESURFACING PROJECT (2020
MUNICIPAL AID)

WHEREAS, the Township Committee of the Township of Chatham awarded a contract to Schifano Construction Corp. through the 2020 Morris County Cooperative Pricing Council for the River Road Resurfacing Project (2020 Municipal Aid) in the amount of \$222,630.00;

WHEREAS, the contracted work was performed and completed by Schifano Construction Corp. in May, 2020;

WHEREAS, the as-built amount completed and billed by Schifano Construction Corp. is \$208,111.28, a decrease of \$14,518.72 from the awarded contract.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey that it hereby approves the Change Order amending the final Contract amount to \$208,111.28.

RESOLUTION 2020-208
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, IN
THE COUNTY OF MORRIS, STATE OF NEW JERSEY,
REFUNDING CREDIT BALANCE ON COLONY POOL MEMBERSHIP FEE

WHEREAS, a full membership registration fee was paid for some Colony Pool Memberships; and

WHEREAS, a discount was applied to the membership fees following the submittal of some registrations.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Chatham that the following refunds be made:

<u>NAME & ADDRESS</u>	<u>AMOUNT</u>
David Fowler 2 Holly Drive Chatham, NJ 07928	\$25.00
Jennifer Peterson 110 Huron Drive Chatham, NJ 07928	\$25.00
Molly Russo 131 Noe Avenue Chatham, NJ 07928	\$25.00
Brenden O'Brien 91 Chatham St Chatham, NJ 07928	\$175.00

RESOLUTION 2020-209
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM FOR
RENEWAL OF MEMBERSHIP IN THE MORRIS COUNTY MUNICIPAL JOINT INSURANCE
FUND

WHEREAS, the Township of Chatham is a member of the Morris County Municipal Joint Insurance Fund; and

WHEREAS, said renewed membership terminates as of December 31, 2020 unless earlier renewed by agreement between the Township of Chatham and the Fund; and

WHEREAS, the Township of Chatham desires to renew said membership;

NOW THEREFORE, be it resolved as follows:

1. The Township of Chatham agrees to renew its membership in the Morris County Municipal Joint Insurance Fund and to be subject to the Bylaws, Rules and Regulations, coverages, and operating procedures thereof as presently existing or as modified from time to time by lawful act of the Fund.
2. The Governing Body shall be and hereby are authorized to execute the agreement to renew membership annexed hereto and made a part hereof and to deliver same to the Morris County Municipal Joint Insurance Fund evidencing the Municipality's intention to renew its membership.

RESOLUTION 2020-210
RESOLUTION OF THE TOWNSHIP OF CHATHAM AUTHORIZING THE AUDIT OF
WATER & FIRE HYDRANT ACCOUNTS TO ENSURE ACCURACY AND PROPER
PAYMENT

WHEREAS, the Township of Chatham budgets over \$170,000.00 per year to pay for water for fire protection; and

WHEREAS, the Township of Chatham pays a rate that includes maintenance, pressure and diameter of the line; and

WHEREAS, over time, the rates and software used to track each of the factors that are part of the bill may have changed which could affect billing for the Township's water and fire hydrant accounts; and

WHEREAS, the Township of Chatham has not conducted a specialized audit of its water and hydrant accounts to ensure that there are no billing errors or costs in excess of those permitted so that its accounts are charged the correct fee and that the Township is paying the proper rate; and

WHEREAS, this specialty type of audit, which includes cost recovery if appropriate, requires a level of knowledge and experience that few audit firms have; and

WHEREAS, the firm of Troy & Banks 2216 Kensington Avenue Buffalo, New York 14226 have the experience and resources required to complete this type of audit; and

WHEREAS, if Troy & Banks finds overcharges, billing errors, or costs in excess of those permitted by applicable contracts, tariffs, statutes, rules and regulations, Troy & Banks will be paid 50% of all of the monies refunded or credited to the Township of Chatham; and

WHEREAS, the Township of Chatham will only pay Troy & Banks when a credit has been posted to an invoice or a refund check has been received; and

WHEREAS, if there is a reduction in future costs for water service resulting from the audit and analysis efforts of Troy & Banks, they shall receive a fee of 50% of the amount saved each month for a period of 24 months; and,

WHEREAS, the Township of Chatham like several of other New Jersey municipalities is a member of the Texas Interlocal Purchasing System (TIPS); and,

WHEREAS, Troy & Banks is an approved TIPS vendor and will provide the services outlined under Contract Number 200601 that is valid through August 27, 2023; and,

WHEREAS, The State of New Jersey Local Finance Notice (LFN) 2012-10 dated May 14, 2012 has been reviewed by the Township Administrator to verify that the documents required in Section E. Legal Requirements to Use a National Cooperative Contract are on file.

NOW THEREFORE BE IT RESOLVED, that the Township of Chatham authorizes Troy & Banks to conduct an audit of the Township's water and fire hydrant accounts as outlined in this resolution.

BE IT FURTHER RESOLVED that this contract is awarded under the terms and conditions of the TIPS national contract.

RESOLUTION 2020-211
RESOLUTION OF THE TOWNSHIP OF CHATHAM AUTHORIZING THE AUDIT OF
STREET LIGHT ACCOUNTS TO ENSURE ACCURACY AND PROPER PAYMENT

WHEREAS, the Township of Chatham budgets over \$50,000.00 per year to pay for street lighting; and

WHEREAS, the Township of Chatham pays a different rate for each street light depending on the type of bulb installed in the fixture; and

WHEREAS, over time, the rates and software used to track each account and size of the light fixture change which could affect billing for the Township’s street lighting accounts; and

WHEREAS, the Township of Chatham has not conducted a specialized audit of its street lighting accounts to ensure that there are no billing errors or costs in excess of those permitted so that its accounts are charged the correct fee and that the Township is paying the proper rate; and

WHEREAS, this specialty type of audit, which includes cost recovery if appropriate, requires a level of knowledge and experience that few audit firms have; and

WHEREAS, the firm of Troy & Banks 2216 Kensington Avenue Buffalo, New York 14226 have the experience and resources required to complete this type of audit; and

WHEREAS, if Troy & Banks finds overcharges, billing errors, or costs in excess of those permitted by applicable contracts, tariffs, statutes, rules and regulations, Troy and Banks will be paid 50% of all of the monies refunded or credited to the Township of Chatham; and,

WHEREAS, the Township of Chatham will only pay Troy & Banks when a credit has been posted to an invoice or a refund check has been received; and,

WHEREAS, if there is a reduction in future costs for street lighting resulting from the audit and analysis efforts of Troy & Banks, they shall receive a fee of 50% of the amount saved each month for a period of 24 months; and,

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WHEREAS, The State of New Jersey Local Finance Notice (LFN) 2012-10 dated May 14, 2012 has been reviewed by the Township Administrator to verify that the documents required I Section E. Legal Requirements to Use a National Cooperative Contract are on file.

NOW THEREFORE BE IT RESOLVED, that the Township of Chatham authorizes Troy & Banks to conduct an audit of the Township’s street lighting accounts as outlined in this resolution; and

BE IT FURTHER RESOLVED that this contract is awarded under the terms and conditions of the TIPS national contract.

RESOLUTION 2020-212
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, IN THE COUNTY OF MORRIS, AMENDING EMPLOYEE SALARIES FOR THE YEAR 2020

WHEREAS, Resolution 2020-123 was adopted on May 14, 2020 setting the employee salaries for the year 2020; and

WHEREAS, the salary for the Electrical Sub-code Official/Inspector and the Fire Sub-code Official/Inspector needs to be amended so that the salary reflects the current hours assigned to work for that position based on the salary and hours of the prior year.

BE IT RESOLVED by the Township Committee of the Township of Chatham, in the County of Morris, New Jersey, that Resolution 2020-123 is hereby amended be effective January 1, 2020.

Electrical Sub-code Official/Inspector	\$25,950
Plumbing Sub-code Official/Inspector	\$25,950
Fire Sub-code Official/Inspector	\$19,900

This Resolution shall take effect immediately.

Deputy Mayor Ness commented on the potential cost savings from the audits to be performed by Troy & Banks.

Committeewoman Ewald moved to approve the Consent Agenda. Committeewoman Fondaco seconded the motion.

Roll call: Committeewoman Ewald, Aye; Committeewoman Fondaco, Aye; Committeewoman Swartz, Aye; Deputy Mayor Ness, Aye; Mayor Kelly, Aye.

Hearing of Citizens

Mayor Kelly opened the Hearing of Citizens.
Seeing no public comment, Mayor Kelly closed the Hearing of Citizens.

Executive Session II

RESOLUTION 2020-P-26
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, AUTHORIZING CONFERENCE OF THE TOWNSHIP COMMITTEE WITH THE PUBLIC EXCLUDED

WHEREAS, N.J.S.A. 10:4-12 of the Open Public Meetings Act permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, the Township Committee of the Township of Chatham is of the opinion that such circumstances presently exist.

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1. The public shall be excluded from discussion of the specified subject matter.
2. The general nature of the subject matter to be discussed is as follows:
 - a. Litigation - In the Matter of the Township of Chatham for a Judgment of Compliance of its Third Round Housing Element and Fair Share Plan Docket No. MRS-L-1659-15
 - b. Collective Bargaining Negotiations – PBA
3. It is anticipated that the minutes on the subject matter of the Executive Session will be made public upon conclusion of the matter under discussion; and in any event, when appropriate pursuant to N.J.S.A. 10:4-7 and 4-13.
4. The Committee will come back into Regular Session and will not take further action.
5. This Resolution shall take effect immediately.

Attorney Cruz emphasized that the Township Committee will not be taking further action following the Executive Session.

Committeewoman Ewald moved to adopt Resolution 2020-P-26 to enter Executive Session at 9:16 P.M. Deputy Mayor Ness seconded the motion.

Roll call: Committeewoman Ewald, Aye; Committeewoman Fondaco, Aye; Committeewoman Swartz, Aye; Deputy Mayor Ness, Aye; Mayor Kelly, Aye.

The Township Committee returned to Public Session, and Committeewoman Ewald moved to adjourn at 10:41 PM. Committeewoman Fondaco seconded the motion, which carried unanimously.

Gregory J. LaConte
Municipal Clerk